

June 26, 2013

The Honorable Dave Yost
Auditor of State
88 E. Broad Street, 5th Floor
Columbus, OH 43215

RE: City of Beachwood (Cuyahoga County)

Dear Auditor Yost,

The purpose of this letter is to formally bring to your attention past and continuing illegal expenditure of public funds, potential fraud, and lack of internal controls that are occurring within the City of Beachwood. In the past month, The Plain Dealer published a series of articles specifically detailing some of the spending practices of Mayor Merle Gorden. For your convenience and reference, these articles are enclosed with this letter, as Exhibits A, B, C & D. These articles provide an excellent overview of the situation that currently exists in Beachwood. In addition, this letter will outline some additional instances of potentially illegal and fraudulent behavior occurring with Beachwood City Hall. These examples are supported by documentation that was obtained over the course of the past month through public records requests filed with the city.

The documents discussed in this letter raise many "red flags" regarding Mayor Gorden's expenditure of public funds, and the lack of internal controls within City Hall to monitor such spending. Hopefully, the evidence presented in this letter will persuade the Special Audit Task Force and Special Audit Section of your office to initiate and perform a comprehensive audit and investigation of how Mayor Gorden and city employees have spent public funds during the past several years. Such an audit would provide objective assurance to Beachwood taxpayers regarding the legality of the issues raised both by The Plain Dealer and the documents discussed in this letter. Furthermore, a comprehensive audit by your office would permit Beachwood taxpayers to learn the full scope and extent of potentially illegal activity occurring within City Hall, as your office has the power to obtain and examine additional documents beyond what concerned citizens can accomplish through public record requests.

1. Cashing-out vacation time.

On June 23, 2013, the print edition of The Plain Dealer ran an article in which it was revealed that Mayor Gorden cashed out almost all of his earned vacation time for the past decade. Copies of forms evidencing Mayor Gorden's intent to cash out vacation time were included in his personnel file, which were provided in response to public records request, and are collectively enclosed herein as Exhibit E.

These forms must be examined in conjunction with several other documents that provide the necessary context. The first of these documents is Section 1(B) of Beachwood Ordinance 2008-160, which provides the Mayor with a specified amount of vacation time, and a copy of which is enclosed and labeled as Exhibit F. This ordinance does not provide explicit authority for the Mayor to cash out any unused vacation time. However, the first sentence of Section 1(B) of the ordinance does provide: "The Mayor shall receive medical and other benefits generally provided for full-time administrative employees of the City, with the exception of longevity compensation and sick leave."

The "Personnel Policy Manual" sets forth both the responsibilities and "benefits generally provided for full-time administrative employees of the City." Section 4.3 of that manual provides that employees may cash-out unused vacation time each year. Furthermore, Section 3.2 of the manual provides that employees in Director-level positions are not required to submit time sheets, even though all other city employees are required to do so. Also, Section 4.12(B) of the manual states that exempt employees do not receive overtime compensation. Copies of the cited sections of the Personnel Policy Manual are attached and labeled as Exhibits G, H & I.

When a public records request was filed with the city requesting copies of Mayor Gorden's time sheets, the city responded that: "As an elected official, the Mayor is not required to turn in a time card." A copy of this email is attached as Exhibit J.

These facts present several questions that require further investigation that include, but are not limited to:

- A. If the Mayor does not keep any record of the hours that he works, then how can he document or substantiate that he was indeed entitled to annually cash-out his full vacation allotment for the vast majority of the past decade?
- B. Does Ordinance 2008-160 permit the Mayor to accrue and cash-out vacation time for both of the positions that he currently holds: (i) Mayor & (ii) Safety Director? The ordinance itself only explicitly confers the vacation benefit on the position of Mayor. Alternatively, does the Mayor accrue vacation time for his service as Safety Director, at the same rate and subject to the same rules as all other directors, even though safety director is categorized as a part time position?
- C. What internal controls are in place to prevent the occurrence of fraud in reporting the number of hours worked by the Mayor?

Based on Mayor Gorden's annual salary of approximately \$175,000 (which in a 2,080 work year yields a pay rate of approximately \$84.13 per hour), his full cashing-out of vacation in 2011 (the most recent form in his personnel file) cost the city \$16,826 (= \$84.13 x 200). Over the course of a decade, the Mayor has cashed out over \$100,000 in vacation time.

2. Charging money to perform weddings

Mayor Gorden's personnel file contains several documents that explain how he is permitted to perform weddings and essentially keep the money as personal compensation. Such conduct is explicitly permitted in Ordinance 2008-160, previously labeled as Exhibit F.

However, this portion of the ordinance appears to violate Section 3, Article XVIII of the Ohio Constitution, since the benefit conferred on the Mayor conflicts with Ohio Revised Code (R.C.) sections 102.03(H)(1) & 2921.43(A).

R.C. 3101.08 confers power on a Mayor to perform weddings. By accepting compensation for officiating at weddings, Mayor Gorden appears to be accepting additional compensation or an honorarium for performing powers vested in him pursuant to the Ohio Revised Code.

The office of the Auditor of State appears to have previously encountered a similar issue, and issued Finding 2006-003 in the office's audit of the Village of Valley View (Cuyahoga County).

A comprehensive audit of this practice by your office would reveal the extent and scope to which the Mayor has earned additional personal compensation for performing a statutory function of his office.

3. Use of City Funds to Purchase Upgraded Airline Tickets

The Mayor was authorized by Ordinances 2012-125 and 2013-138 to travel to specified out-of-state events. Copies of these ordinances are labeled as Exhibits K & L. One such trip was to Denver to attend the Thirteenth Annual Fire Accreditation Awards Ceremony, while the other trip was to Orlando to inspect a new fire engine that the city ordered.

Enclosed with this letter are several documents related to these trips that were obtained through a public records request, and are collectively labeled as Exhibit M. It appears that the airline confirmation printouts and corresponding purchase orders indicate that the city purchased First Class tickets for the Mayor. However, the ordinances authorizing these trips did not affirmatively permit payment for First Class travel.

In the case of the Denver trip, it appears that the Mayor reimbursed the city for the difference in cost between the Economy and First Class tickets. It is not as clear what happened with the Florida trip, because a hurricane appears to have altered travel plans. However, what is clear from the purchase orders, credit card statement, and receipt is that a First Class ticket was originally purchased with city funds. However, the city's credit card statement lists two charges that contain the words "Economy

Plus.” This likely refers to Economy Plus seating offered on United Airlines flights. Thus, in the end, city funds were used to pay for Mayor Gorden to fly on an upgraded ticket.

Furthermore, it is unclear from the documents whether or not the Mayor actually collected frequent flyer miles for such travel. However, because the city purchased a First Class ticket, the Mayor would be entitled to collect a 50% mileage bonus, as is indicated on the airline confirmation. An examination of the receipt from the Mayor’s stay at the Sheraton in Denver, labeled as Exhibit N, indicates that he earned Starwood Preferred Guest (SPG) points for his stay. Of course, the acceptance of such miles or points for personal use would violate R.C. 2921.42 & 102.03 per Ohio Ethics Commission Opinion 91-010.

A comprehensive audit of airline tickets purchased with city funds would reveal the extent to which the Mayor and other city employees traveled on upgraded airline tickets purchased by taxpayers, or collected other benefits that are property of the city. Furthermore, such an examination would provide Beachwood taxpayers with assurance regarding the level of compliance with the standards set forth in Auditor of State Bulletin 2003-005: Expenditure of Public Funds/Proper Public Purpose, and recently applied in your Special Audit of Cincinnati College Preparatory Academy.

4. Use of City Funds to Purchase Personal Items

An examination of the limited number of receipts produced by the city in response to a public records request for receipts submitted by the Mayor during his 2012 trips shows that the Mayor is willing to use city funds to purchase items and services that are personal in nature.

For example, the Mayor submitted a reimbursement request, along with a receipt, for a \$5 cup of coffee that he purchased on his Denver trip on Aug. 1, 2012 at 5:23 PM. The Mayor also requested reimbursement for his Aug. 2, 2012 at 4:47 PM purchase of a cup of coffee and fruit bowl for \$12.48. These receipts are labeled collectively as Exhibit O. However, the conference sponsor’s website indicates that the awards banquet for which the Mayor travelled to Denver began at 6:00 PM on Aug. 2, 2012 at the Sheraton hotel at which the Mayor was staying. A copy of an invitation to the event printed from the sponsor’s website is enclosed as Exhibit P.

In your office’s report of the Special Audit of Cincinnati College Preparatory Academy, there are numerous references to your office’s interpretation of Auditor of State Bulletin 2003-005: Expenditure of Public Funds/Proper Public Purpose. That report states that “Individual drinks and snacks not associated with a meal” were considered expenses that lack “a proper public purpose.” In this case, the Mayor decided to use tax dollars to treat himself to a snack before the beginning of a banquet at which dinner was to be provided.

In one of its June, 2013 articles, The Plain Dealer highlighted other examples of the Mayor purchasing additional personal items with the city's credit card. Specifically, the article referenced that the Mayor is not fond of the pens and other office supplies that the city obtains from its vendor. As the article stated, and Mayor confirmed, he uses the city credit card to purchase items that satisfy his personal tastes and preferences.

It should be noted that these are just two of what are likely many examples of the Mayor making personal purchases and other purchases that lack "a proper public purpose" with the city credit card. Individual citizens are limited in their ability to comprehensively obtain all receipts and reimbursement requests through public records requests. However, your office has the statutory powers to obtain and examine these documents and ascertain the scope of the Mayor's use of the city credit card for the purchase of personal items and other items that lack "a proper public purpose."

5. Expense Account

A series of June 2013 articles in The Plain Dealer highlighted the Mayor's use of a city credit card, as part of what essentially comprises an unlimited expense account for the Mayor with few, if any, internal controls, oversight, or accountability. Some of the questionable expenses were described in the previous section. Additionally, the articles in The Plain Dealer point out that the Mayor is fond of using the city credit card to dine at fine dining establishments, while the taxpayers of Beachwood pay the monthly bill.

What is most noteworthy is that Mayor admitted to The Plain Dealer that he enjoys taking specific employees out to lunch at restaurants and paying for such meals with tax dollars. This begs the question of whether such meals constitute "a proper public purpose," especially since authorization for the use of the city credit card for such purposes is not conferred in Ordinance 2008-160, previously labeled as Exhibit F, which sets compensation for the Mayor. Furthermore, the Mayor's use of the city credit card for meals appears to contravene Section 5.15(C)(2) of the city's Personnel Policy Manual, which states that meals at meetings within 45 miles of the office are not reimbursable. A copy of this policy is enclosed as Exhibit Q.

A comprehensive audit of the use of the city's credit card by the Mayor and other employees would expose the extent to which taxpayers have been charged for expenses that are inconsistent with the standards set forth in Auditor of State Bulletin 2003-005: Expenditure of Public Funds/Proper Public Purpose, Ohio Attorney General Opinion 82-006, and other applicable provisions of the Ohio Revised Code.

6. Personal Use of City Automobile

Ordinance 2008-160 provides the Mayor with the use of a city-owned automobile as part of his compensation package. Aside from the fact that a luxury car was purchased, and that the Mayor

regularly fills up the gas tank at the city's fuel depot, a legal question arises to the extent to which the city properly reported the Mayor's use of the car as personal income on the Mayor's W-2 form. The Mayor's personnel file contains a sheet in which it appears that the Mayor's use of a brand-new \$45,000 car is reported only as \$509.95 of income on the Mayor's W-2. A copy of this sheet is enclosed with this letter as Exhibit R. This calculation appears to be based on the fact that the Mayor lives one mile from his office, so as a result only two miles of driving per day is imputed as personal use. As a result, only 486 of the 11,045 miles put on the car during 2012 were imputed to Mayor's personal use for tax reporting purposes. It is important to note that Beachwood is a very small community of approximately 5.5 square miles. Therefore, it seems highly unlikely that the Mayor's personal use of that automobile only totaled 486 miles for the year. Beachwood is not a large enough community that Mayor could have conceivably driven over 10,000 miles in one year for business purposes.

A comprehensive audit of the city would reveal the extent to which the Mayor's use of the automobile was for "a proper public purpose," and the extent to which the city properly reported the Mayor's personal use of the automobile to the Internal Revenue Service.

7. Compliance with R.C. Chapter 145 (PERS)

Mayor Gorden reported on his 2012 financial disclosure form to the Ohio Ethics Commission that he derives income from his employment with the City of Beachwood, as well as the collection of a pension from the Ohio Public Employees Retirement System (OPERS). A copy of Mayor Gorden's personnel file indicates that the Mayor had retired from his Mayor position on December 31, 2009, and began collecting his pension the next day.

However, questions arise as to whether the Mayor properly complied with all of the provisions within R.C. Chapter 145. The solvency and financial health of OPERS affects all Ohio taxpayers, not just Beachwood taxpayers. Mayor Gorden was re-elected to the Mayor position in November 2010. His personnel file contains a letter expressing his intent to retire from the Mayor position on December 31, 2010. Papers filed with OPERS shows that he was "rehired" as Mayor on January 1, 2011. Copies of relevant pages from the Mayor's personnel file are collectively labeled as Exhibit S.

Therefore, the question arises as to whether his retire/rehire strictly complied with all the relevant provisions within R.C. Chapter 145. Second, because of the issues surrounding his cashing out of vacation time, keeping funds for performing weddings, and other elements of his compensation package, the question arises whether there may have been some sort of attempt to artificially inflate Mayor Gorden's final average salary so that he could collect a larger pension.

Given all of the other "red flags" discussed above with respect to Mayor Gorden, it is crucial to confirm that the Mayor is not collecting any funds from OPERS to which he is not entitled.

8. Lack of Internal Controls

Evidence of the lack of internal controls with respect to the Mayor is exemplified in Exhibit T. This document from Mayor Gorden's personnel file shows that he possesses the authority to request and approve the disbursement of funds to himself without any oversight.

Conclusion

Recent reporting by The Plain Dealer has brought additional attention to various "red flags" that have been present for years within the City of Beachwood, while also exposing new examples of questionable practices by the Mayor regarding the use of taxpayer funds. A full and comprehensive audit of the City of Beachwood and Mayor Gorden's spending by the Special Audit Task Force and Special Audit Section of your office would reveal the extent to which both the city and Mayor comply with relevant laws and standards.

At a Statehouse news conference on April 17, 2012, you were quoted as stating: "When somebody's got the checkbook with taxpayer money in it, they're armed and dangerous and it's important that people have the way to correct the situation ... before another election comes around."

Citizens only have the ability to accomplish so much through public records requests. We would very much appreciate it if you would use the authority and powers vested in your office to examine what is currently taking place in Beachwood. Time is of the essence, as the next election is quickly approaching.

Thank you very much for your consideration of this letter and the attached exhibits. For your convenience we have also enclosed a disk with .pdf copies of the documents that we obtained from the city through various public records requests.

Sincerely,
Concerned Taxpayers

Enclosure

cc: Special Audit Task Force



Beachwood Mayor Merle Gorden collecting \$350,000 in pay, retirement benefits; may get raise

Patrick O'Donnell, The Plain Dealer By Patrick O'Donnell, The Plain Dealer

on May 15, 2013 at 7:45 PM, updated May 15, 2013 at 8:04 PM

BEACHWOOD, Ohio -- If **Beachwood Mayor Merle Gorden** wins another term in November, he could get a raise in his \$198,000 a year pay.

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Beachwood Mayor Merle Gorden

That would be on top of the nearly \$157,000 a year he receives in retirement payments -- boosting his combined annual income from retirement and salary further over the \$350,000 mark.

City Council is considering raising the salary next year for the mayor, who also serves as the city's safety director. The 67-year-old Gorden could not be reached Wednesday to determine whether he plans to run for re-election.

Council President Melvin Jacobs said he doesn't take Gorden's status as a "double-dipper" -- a public official collecting a paycheck and retirement payments from the state at the same time -- into consideration in deciding the pay for the mayor/safety director. In Ohio, it is legal for public officials to continue working after they start collecting retirement benefits.

Jacobs said council members have discussed increasing the base pay for the mayor/safety director by 2 percent in each of the next two years then 2.5 percent in each of the two following years.

Jacobs said being mayor of **Beachwood**, a suburb of 12,000 people that is among the state's wealthiest and best-educated, is a demanding job because residents have high standards.

"You need a strong leader to run this city and make people happy," Jacobs said. "We have an exceptional city -- the services we provide, the economic development and business that are coming in, working with our schools -- so it's a very demanding and time-consuming job."

He said he believes residents will support strong pay for the mayor because they are happy with the city.

The pay resolution, scheduled to go before City Council on Monday, was not available Wednesday, though Jacobs confirmed the percentage raises under consideration.

Council members want to adjust the mayor's pay this summer before the August filing deadline for a new four-year term for the position, Jacobs said, because state law does not allow any pay increases mid-term.

Gorden earned \$198,521 from the city last year, according to his required financial disclosure filing to the Ohio Ethics Commission. He also received more than \$122,000 from the state's Public Employees Retirement System and more than \$34,500 from Social Security, according to the filing.

Jacobs said that the 2 percent raise would not apply to the full \$198,000, but to the base pay instead. This year, Gorden will earn about \$175,000 base pay for the combined mayor and safety director positions.

That's the same base pay that Cuyahoga County Executive Ed FitzGerald receives and higher than the \$148,000 base pay of Ohio Gov. John Kasich.

Additional compensation in Beachwood comes from the city covering part of the mayor's contributions to PERS, use of a city vehicle and pay for officiating marriages. Gorden's financial disclosure filing did not break down how much of the \$198,000 in 2012 came from each.

Jacobs said the combined pay for the mayor and safety director positions is competitive with other cities, though he did not have council's study of similar communities at hand when reached Wednesday.

He noted that many cities pay mayors less, but have highly paid city managers or business managers. Gorden handles those roles for Beachwood, while also overseeing the police and fire departments as safety director.

To reach this Plain Dealer reporter: paodonnell@plaind.com, 216-999-4818

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EXHIBIT “B”



Everything Cleveland

Beachwood Mayor Merle Gorden eats like Jimmy Dimora and sticks taxpayers with the tab: Mark Naymik

Mark Naymik, The Plain Dealer By Mark Naymik, The Plain Dealer

Email the author | Follow on Twitter

on June 06, 2013 at 4:36 PM, updated June 07, 2013 at 2:41 PM

After the Plain Dealer showed in 2005 that Gorden racked up \$20,000 in food tabs, Beachwood city council did nothing to curb his appetite .

Beachwood Mayor Merle Gorden is eating taxpayers' money.

If you run into Beachwood Mayor Merle Gorden at Moxie or any other popular East Side restaurant, don't bother him. He is working. Or, at least, he's billing Beachwood taxpayers for the food.

He eats it at some of the area's most popular restaurants, including Giovanni's, Moxie, Hiroshi's Pub, Maggiano's, Pizzazz and Corky and Lenny's.

He eats taxpayers' money at The Olive Garden, Chick-Fil-A and at hotel bars and grilles, sometimes more than once in a day. He always eats with a guest or two, usually a City Hall employee or local businessman.

The mayor of this top-rated suburb of 12,000 people is well compensated. He earns a base salary of nearly \$200,000 a year, which recently earned notice when the Beachwood City Council decided it might be time to raise the mayor's pay.

He deserves a pay increase because he is working so hard, his backers say, but it seems to me that what he works hardest at is eating – on the taxpayers' dime.

Since December of 2010, Gorden and dining companions have eaten \$18,000 worth of meals, according to his credit card statements and receipts he's submitted for reimbursement.

Some people think Beachwood has flourished because of its affluent and educated residents, commercial real estate and proximity to major interstates.

That's not really so.

Gorden, who's in his fourth term, says his dining with employees and business leaders is the key to the city's success. He says interaction over a meal with important people or top staff is far more productive than just talking on the phone or meeting with someone at the well-appointed Beachwood City Hall.

"This is how we generate business and economic development, and we have been doing it for years," he said. "It's purely acceptable to do things in the way we have been doing."

To Gorden, acceptable means arranging taxpayer-funded lunches with employees, such as Tina Turick, his top administrative assistant, whose base annual pay is \$92,000 and who sits just feet from him at City Hall.

"I don't take every employee," he said. "I have a management team and this is how we do it."

The city's policies do not prohibit such freedom -- or excess. Gorden said if city council, which he describes as aggressive, didn't like such policies, it would do something.

Council did nothing the last time Gorden made headlines for using the city credit card as his lunch money.

In 2005, The Plain Dealer calculated that during the preceding four-year period, Gorden charged taxpayers \$20,000 for meals, including \$1,943 for 66 private meals he had with Turick.

The biggest meal Gorden laid on residents was a Jan. 17, 2002, dinner party at the Blue Point Grille, which cost \$550. His guests included former Cuyahoga County Commissioner and Democratic Party Chairman Jimmy Dimora, County Auditor Frank Russo and attorney Ken Fisher, then the party's general counsel.

At the time, Gorden offered the same defense for his meal plan: It helps make Beachwood, well, Beachwood.

The mayor of Beachwood is the first line of defense against undisciplined spending on the city credit card, which, by the way, bares Gorden's name. It's his job to stop questionable spending. But Gorden has yet to run across a charge he disagreed with.

That includes gel pens and other office supplies he buys for himself with the city credit card. Gorden doesn't like the pens and other office supplies the city orders through its purchasing agent.

"I happen to be a stickler for the things I enjoy using," he said. "If there is something I purchased for use here - you are more than welcome to see them."

His attitude toward the importance of meals and pens also extends to cars, though he dismissed rumors of luxury excess.

"The rumors have me driving an Escalade," he laughed.

The suggestion is just unfounded.

Instead of an Escalade, which costs \$62,000 to \$81,000, Gorden settles for a 2012 GMC Acadia that cost taxpayers \$42,605, according to city records. And he might be forced to drive it for four or five years before getting his next upgrade.

He defends the city this way: "When you get with top level executives and try to create an environment in this community and you have an image, yes, all of our equipment and all our cars maybe set us apart from the way other governments are run."

Gorden is surely setting Beachwood apart. In most cities, city residents and City Council would show the door to a profligate spender like Gorden, leaving him to pay for his own meals and buy his own pens.

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EXHIBIT “C”



Everything Cleveland

Beachwood Mayor Merle Gorden's expense account doesn't reflect reality, says Avon Mayor Jim Smith: Mark Naymik

Mark Naymik, The Plain Dealer By Mark Naymik, The Plain Dealer

Email the author | Follow on Twitter

on June 10, 2013 at 6:15 PM, updated June 12, 2013 at 12:53 PM

Avon Mayor Jim Smith has a message for weary taxpayers.

Smith, who's been mayor of this top-rated suburb of 22,000 for nearly 20 years, says that not all suburban officials live as large and care-free as Beachwood Mayor Merle Gorden.

I wrote about Gorden Sunday. I

criticized the highest paid mayor in Ohio -- Gorden's annual base pay is nearly \$200,000 -- for billing taxpayers for meals he enjoys with co-workers and business and civic leaders. The leader of suburb of 12,000 racked up an \$18,000 food tab since December of 2010.



Beachwood Mayor Merle Gorden eats out a lot -- with city council's blessing -- but his expense account doesn't reflect the reality of life for other suburban officials, says Avon Mayor Jim Smith.

Gorden absurdly claims that eating with co-workers and business leaders contributes to the city's success. Smith, who plans to retire at the end of his current term, is as surprised by the Gorden's spending habits as many of you are.

"I'm worried people think this is how all city officials are," Smith said. "All city officials do not do this."

Smith has dealt with many big developers in his fast growing community, which is west of Cleveland in Lorain County. But he said lunches do not matter to them and business leaders.

"Nobody expects you to do these things," he said.

Smith is no pauper. He earns a comfortable salary, nearly \$110,000 as mayor in addition to a car allowance. But he insists he is a miser when it comes to personal expenses charged to the taxpayers. He said he's billed

the city for about \$100 worth of food per year, typically when traveling to and from Columbus. He said in 20 years in office, he's billed a total of about \$2,000, and he challenged me to review his records.

"I am comfortable, so I don't think the city should pay for me to eat," he said.

Gorden sees it differently, and so do his supporters. A dozen or so sent letters to me on his behalf. They mocked my column, calling it "dumb" and "silly" and a "waste of time and space." Several accused me of being jealous. Gorden's supporters, including people with businesses in Beachwood, said Gorden deserves whatever he gets because the suburb is so successful.

Don't get me wrong. Plenty of you told me you take offense at a mayor who hits up taxpayers for daily meals, but some called my column petty.

What I find petty is a mayor who collects his salary and additional annual retirement payments worth \$157,000 but still jacks his residents for the cost of his favored pens and chicken sandwiches. That says plenty about Gorden's culture of entitlement.

Gorden and his supporters also like to compare his job to that of a CEO of a major company, which is preposterous. A government is not a business. And public officials do not operate anything like a CEOs.

When businesses need money, for instance, they can't raise taxes to make ends meet, as Beachwood did in 2010 with modest voter approval. Government officials ask us to elect them to serve, and we expect them to be good stewards of our cash.

Gorden is wasting tax money on his personal spending. In addition to his salary and lunch account, Gorden enjoys a good social life on the public tab.

The city pays for Gorden to attend any charity event he chooses. This is done with the backing of city council, which passed an ordinance in 2011 that allows the mayor or council to expense up to \$30,000 worth of charity tickets and sponsorships each year. The only limitation is that the mayor has to get special permission to buy a ticket that cost more than \$500 or sponsorship more than \$2,500.

Gorden attended a charity event May 14, known as "The 250," a benefit for the Big Brothers/Big Sisters Northeast Ohio. The event, for which tickets cost \$385, was held in Mayfield Heights and was billed as the "most majestic evening for men." It featured an oyster bar and baby lamb and other food by celebrity chefs. The event also included raffles for numerous prizes, including cash.

Though Gorden was there as a representative of Beachwood for work-related purposes, he participated in the raffle games and won \$5,000.

Rather than recuse himself or let the charity keep the money, Gorden accepted it, but on May 29, he made a \$5,000 deposit in cash to the city of Beachwood, according to a copy of the deposit ticket. (Gorden didn't return a call seeking further explanation.)

This all seems odd to me. Beachwood doesn't help a charity by taking \$5,000 from it. Nonetheless, Gorden's supporters, including city council, see this as a normal course of business.

It is not.

Beachwood is a great suburb by all accounts, but a suburb's greatness doesn't lie in its mayor's salary, expense account, or social life.

Just ask Avon's Jim Smith.

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EXHIBIT “D”



Everything Cleveland

Beachwood Mayor Merle Gorden's vacation pay doesn't pass the smell test: Mark Naymik

Mark Naymik, The Plain Dealer By Mark Naymik, The Plain Dealer

Email the author | Follow on Twitter

on June 21, 2013 at 10:22 AM, updated June 22, 2013 at 5:19 PM

Beachwood Mayor Merle Gorden never takes a vacation.

Beachwood City Hall offers Mayor Merle Gorden private parking, his own elevator and a fireplace in his office. But that's nothing compared to the vacation pay he pockets each year.

Despite being allowed a generous five weeks off each year, the highest-paid mayor in Ohio doesn't stop working. Ever.

Last year, for instance, he did not take a single day off, even to enjoy his favorite pastime of motorcycling.

Normally, such a work ethic should earn applause.

But Gorden doesn't deserve kudos.

Why?

Because taxpayers are paying Gorden for each day of vacation he foregoes. Beachwood City Council allows Gorden to convert unused vacation days to cash each December.

Vacation payouts are common among public officials – but cashing out every single hour of available vacation time is not.

For much of the last decade, Gorden has submitted a "vacation distribution form" showing perfect attendance at work and a balance of 200 hours of unused vacation – the maximum allowed by city ordinance. He didn't take a single day off in 2003 through 2009, or in 2012, according to records. I lack the paperwork to say for sure how much time, if any, he took off in 2010 and 2011, but I suspect Gorden worked through them.

It challenges common sense to believe the mayor – or any employee – never took time off to attend a family wedding, piece together a long weekend, visit family members or attend a political function.

"Maybe I just don't need a break," Gorden told me in a brief phone interview Wednesday on his cell phone. (Taxpayers by the way, pay for his cell phone bill, according to copy of the bill contained in his personnel file.)

Based on Gorden's \$178,000 annual base pay, his vacation payouts could equal around \$17,000 a year. Exactly how much Gorden pockets is unclear. When I asked him, he said he had a meeting and would call me back.

I'm still waiting for that call.

Gorden's use of vacation time doesn't pass the smell test -- unless you are a member of Beachwood City Council.

Gorden's vacation pay was revealed Monday during a council meeting by the body's only outlier, Brian Linick.

Linick likened the ability to cash out so much vacation pay as an unintended bonus.

But his colleagues sat silently or defended the benefit, arguing, in part, that Gorden is only getting what is offered to some other employees.

Talk about ignoring the smell. The issue isn't whether the benefit is fair or not. It's about whether the benefit is being abused.

No one asked Gorden -- who sat quietly among the council members -- why he never needs to take a vacation day. No one asked Gorden if he is applying his own standard of flex time to his scheduling. (If that's the case, then council should remove the provision that allows him to cash out unused time that's supposed to be based on set hours and record keeping.)

Linick did ask how the mayor's time is tracked.

The mayor tracks his own time, of course.

If Gorden ever were to take a vacation day, he would send an email to the finance director. The finance director has few such emails showing Gorden took time off.

No one on council asked anything of Gorden, who is treated by them like royalty in this kingdom of 12,000 people. Several council members actually took time at the meeting to rebut **my on-going criticism of Gorden's pay and benefits**, which include the use of a luxury car, unlimited expense account and tickets to charity events.

One council member said the mayor is perfectly executing the city's economic development plan, which is providing an excellent return on the city's investment, and his salary and benefits.

In other words, the success of Beachwood justifies its excess. That might fly in the world of private business, but this is government, where every dollar should matter.

Another member said that some people look at the city and "quite, frankly, are jealous."

Critics are not jealous. They are just embarrassed by public officials who are so blind.

Council president Melvin Jacobs announced Monday that council – which was required by charter to consider a proposal to raise the mayor's pay -- will freeze the mayor's salary. He almost sounded sad about doing so. Jacobs credited Gorden for making the request as a way to save the city from the distraction created by the pay controversy.

Gorden doesn't deserve any credit. The issue should have never gotten as far as it did. Two weeks ago, the mayor insisted to me that he has no say and no opinion on the matter of mayoral pay. A couple of weeks of negative publicity sure brings one to his senses.

Gorden is also silent on his vacation pay. If that's how he wants to play it, then taxpayers should demand Gorden take a vacation.

The city's finances could use the break.

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EXHIBIT “E”



2011 Vacation Payout Form

Please indicate below the number of Vacation Hours you wish to have paid out with the last payroll of the year – period ending December 18, 2011. Please note that your current balance includes the hours you have accumulated for usage in 2012. It is your responsibility to ensure you leave yourself enough vacation time for next year. No adjustments will be made once the form is processed. Additionally, the maximum number of hours you can carry-forward is 300. Therefore, if your balance exceeds 300 hours you will automatically be paid the excess time. Forms must be completed and returned to your department designee no later than December 13, 2011.

Number of Vacation Hours to be paid out: 200
(Whole hours only)

Employee: Merle S. Gorden
Print Name

Signature: Merle S. Gorden

Date: 12-7-11

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/20/2009 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. The difference between the Year End Balance and the hours you indicate to carry forward will be paid out. Please sign, date and return this form to Eric Brey by December 16, 2009.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S. 200 Vacation Hours Allocated for 2009	Vacation Balance Allowed	200.00	Hours
	Vaction Hours Taken YTD	0.00	Hours
	Current Vacation Balance	200.00	Hours
	Plus Estimated 12/20/2009 Accrual	0.00	Hours
	Total	200.00	Hours*

** Does not reflect vacation taken 12/7/2009 - 12/20/2009. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.*

Year End Balance Hours

The number of hours I would like to carry forward to next year is: Hours*

** The amount cannot exceed 300 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.*

** Please indicate whole hours only (no fractional hours)*

_____ Employee Signature	_____ Date
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NOTE! Vacation hours for 2010 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

<i>For Finance Use Only</i>	Vacation Balance	<input type="text" value="200"/>
	Carried Forward	<input type="text" value="0"/>
	To Be Paid	<input type="text" value="200"/>

Signature: [Handwritten Signature]

Initials: MK

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/21/2008 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. The difference between the Year End Balance and the hours you indicate to carry forward will be paid out. Please sign, date and return this form to Eric Brey by December 17, 2008.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S. 200 Vacation Hours Allocated for 2008	Vacation Balance Allowed	200.00	Hours
	Vaction Hours Taken YTD	0.00	Hours
	Current Vacation Balance	200.00	Hours
	Plus Estimated 12/21/2008 Accrual	N/A	Hours
	Total	200.00	Hours*
<small>* Does not reflect vacation taken 12/8/2008 - 12/21/2008. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.</small>			<input type="text"/> Hours
Year End Balance			<input type="text"/> Hours

The number of hours I would like to carry forward to next year is:	<input type="text"/> .00	Hours*
<small>* The amount cannot exceed 300 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.</small>		
<small>* Please indicate whole hours only (no fractional hours)</small>		

_____ Employee Signature	_____ Date
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NOTE! Vacation hours for 2009 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

For Finance Use Only	Vacation Balance	<input type="text"/>
	Carried Forward	<input type="text"/>
	To Be Paid	<input type="text"/>

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/23/2007 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. The difference between the Year End Balance and the hours you indicate to carry forward will be paid out. Please sign, date and return this form to Eric Brey by December 19, 2007.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S. 80 Vacation Hours Allocated for 2007	Vacation Balance Allowed	200.00	Hours
	Vacation Hours Taken YTD	0.00	Hours
	Current Vacation Balance	200.00	Hours
	Plus Estimated 12/23/2007 Accrual	N/A 3.08	Hours
	Total	203.08	Hours*

** Does not reflect vacation taken 12/10/2007 - 12/23/2007. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.*

		Hours
Year End Balance		Hours

2007 EAB

The number of hours I would like to carry forward to next year is: Hours*

** The amount cannot exceed 120 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.*

** Please indicate whole hours only (no fractional hours)*

<hr/>	
Employee Signature	Date

NOTE! Vacation hours for 2008 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

<i>For Finance Use Only</i>	Vacation Balance	<input type="text" value="200"/>
	Carried Forward	<input type="text" value="—"/>
	To Be Paid	<input type="text" value="200"/>

12

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/24/2006 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. Please sign, date and return this form to Eric Brey by December 21, 2006.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S.
120 Vacation Hours Allocated for 2006

Vacation Balance Allowed Hours

Vaction Hours Taken YTD Hours

Current Vacation Balance Hours

Plus Estimated 12/24/2006 Accrual Hours

Total Hours*

* Does not reflect vacation taken 12/11/2006 - 12/24/2006. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.



Hours

Balance for Distribution Hours

The number of hours I would like to carry forward to next year is: Hours*

* The amount cannot exceed 180 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.

* Please indicate whole hours only (no fractional hours)

Employee Signature

Date

NOTE! Vacation hours for 2007 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

For Finance Use Only

Vacation Balance

Carried Forward

To Be Paid

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/25/2005 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. Please sign, date and return this form to Eric Brey by December 22, 2005.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S. 200 Vacation Hours Allocated for 2005	Vacation Balance Allowed	200.00	Hours
	Vaction Hours Taken YTD	0.00	Hours
	Current Vacation Balance	200.00	Hours
	Plus Estimated 12/25/2005 Accrual	7.70	Hours
	Total	207.70	Hours*
* Does not reflect vacation taken 12/12/2005 - 12/25/2005. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.			
			Hours
	Balance for Distribution	200	Hours

The number of hours I would like to carry forward to next year is:	200.00	Hours*
* The amount cannot exceed 300 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.		
* Please indicate whole hours only (no fractional hours)		

_____ Employee Signature	_____ Date
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NOTE! Vacation hours for 2006 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

For Finance Use Only	Vacation Balance	200
	Carried Forward	0
	To Be Paid	200

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. Please sign, date and return this form to Eric Brey by December 22, 2004.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S.**200 Vacation Hours Allocated for 2004**Vacation Balance Allowed HoursVacation Hours Taken YTD HoursCurrent Vacation Balance Hours

** Does not reflect vacation taken 12/13/2004 - 12/26/2004. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.*

 Hours**Balance for Distribution** HoursThe number of hours I would like to carry forward to next year is: Hours*

** The amount cannot exceed 300 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.*

** Please indicate whole hours only (no fractional hours)*

Employee Signature_____
Date

NOTE! Vacation hours for 2005 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

*For Finance Use Only*Vacation Balance Carried Forward To Be Paid

As the end of the year approaches, you must make a decision regarding the balance of vacation hours you have accumulated. Below is the total number of hours you have been allotted and the remaining balance. The 12/14/2003 accrual listed below is an ESTIMATE. The figure MAY be rounded to ensure you do not exceed the maximum number of hours you are entitled to accrue per year. Vacation carried forward will be in whole hours only. Any fractional hours will be automatically carried forward into next year. Please indicate in the box below how you would like the hours you were allocated to carry forward into next year. Please sign, date and return this form to Eric Brey by December 11, 2003.

If the form is not returned on time, you will be paid all applicable vacation hours.

Gorden, Merle S. 200 Vacation Hours Allocated for 2003	Vacation Balance Allowed	200.00	Hours
	Vaction Hours Taken YTD	0.00	Hours
	Current Vacation Balance	200.00	Hours
	Plus Estimated 12/14/2003 Accrual	0 7.70	Hours
	Total	207.70	Hours
<small>* Does not reflect vacation taken 12/1/2003 - 12/14/2003. If you are taking vacation hours during this time period, please indicate the hours to be taken and subtract this amount from the Total at the right.</small>			
Balance for Distribution			Hours

The number of hours I would like to carry forward to next year is:	005	Hours
<small>* The amount cannot exceed 300 Hours. This amount must also be at least equal to your Annual Allotment or Total hours, whichever is less.</small>		
<small>* Please indicate whole hours only (no fractional hours)</small>		

Employee Signature	Date
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NOTE! Vacation hours for 2004 are in the current balance listed above. There will be NO lump sum vacation allotment posted in January.

For Finance Use Only	Vacation Balance	200
	Carried Forward	0
	To Be Paid	200

RP

EXHIBIT “F”

INTRODUCED BY: Saul Bisen

ORDINANCE NO. 2008-160

AN ORDINANCE AMENDING ORDINANCE NOS. 2000-173, 2004-150 AND 2005-49 TO ADJUST THE COMPENSATION OF THE MAYOR/SAFETY DIRECTOR

WHEREAS, Article VIII, Section 3 (1)(A) of the Charter of the City of Beachwood as amended in November, 1994, now permits Council to amend the compensation schedule for the Mayor as necessary; and

WHEREAS, pursuant to BCO Section 141.01, the Mayor also serves as the City's Safety Director; and

WHEREAS, on December 4, 2000, Council adopted Ordinance No. 2000-173 providing for compensation for the Office of Mayor; and

WHEREAS, on November 15, 2004, Council adopted Ordinance No. 2004-150 approving the Mayor's expenses to attend Mayor's Court training for a total amount not to exceed \$400.00; and

WHEREAS, on June 6, 2005, Council adopted Ordinance No. 2005-49 adjusting the compensation of the Mayor/Safety Director; and

WHEREAS, the Council has determined that it is necessary to adjust the future compensation for the Office of the Mayor and Safety Director; and

WHEREAS, such adjustments would not become effective until January 1, 2010, which is the commencement date for the next full term for the Office of the Mayor, and therefore the new compensation schedule will not be applicable to the current Mayoral term.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Beachwood, County of Cuyahoga, and State of Ohio that:

Section 1: Council hereby amends Ordinance No. 2000-173, 2004-150, and 2005-49, and any other applicable ordinances, to be effective January 1, 2010, as follows:

Elected Officials.

(A) Annual Compensation for the Mayor effective January 1, 2010:
\$96,200.00.

The Mayor's salary shall increase by three and one half percent (3.5%) effective January 1, 2011; and by an additional three and one half percent (3.5%) beyond the previous increase, effective January 1, 2012; and by an additional three and one half percent (3.5%) beyond the previous increase, effective January 1, 2013.

Annual Compensation for the Safety Director effective January 1, 2010:
\$62,200.00.

ORDINANCE NO. 2008-160

The Safety Director's salary shall increase by three and one half percent (3.5%) effective January 1, 2011; and by an additional three and one half percent (3.5%) beyond the previous increase, effective January 1, 2012; and by an additional three and one half percent (3.5%) beyond the previous increase, effective January 1, 2013.

(B) Annual Benefits for the Mayor:

The Mayor shall receive medical and other benefits generally provided for full-time administrative employees of the City, with the exception of longevity compensation and sick leave. Such benefits will include, but are not limited to, medical, life insurance with an option of AD & D coverage, and short term disability benefits provided for administrative employees of the City, cellular phone allowance at maximum allowed per Section 2.8.3 of the Administrative Salary Ordinance, and the use of an automobile provided by the City. The Mayor shall receive three (3) weeks of paid vacation during the Mayor's first term of office; four (4) weeks of paid vacation during a second term of office; and five (5) weeks of paid vacation during a third or subsequent term of office.

The City shall establish a "Fringe Benefit" pension "pickup plan" and pay fifty percent (50%) of the Mayor/Safety Director's mandatory pension contribution. This is in addition to the Mayor/Safety Director's ability to participate in the City's "Salary Reduction" pension "pickup plan".

Travel expenses for official business of the City or the reimbursement of out-of-pocket expenses in excess of Five Hundred Dollars (\$500.00) must be approved by Council. All expenses of any amount shall be related to official City business, shall be reasonable, and shall be substantiated by receipts submitted to the Finance Department. Expenses of an out-of-town workshop, seminar or convention will require advance approval by Council if such event involves more than Five Hundred Dollars (\$500.00) in total expenditures. Travel Expenses to attend Mayor's Court Training, each year, is approved for a total not to exceed Five Hundred Dollars (\$500.00).

Gratuities received by the Mayor for the performance of marriages may be retained by the Mayor, in addition to the compensation provided herein.

No other benefits are provided for the Mayor unless approved by Council.

Section 2: Council further directs that this compensation schedule for the Mayor shall terminate at the end of the next term of the Office of the Mayor on December 31, 2013. Further, all salary ordinances of the City shall be amended to insert the above salary and benefits for the Mayor of the City, and any part of such ordinances inconsistent herewith are repealed in applicable part, except that the existing salary ordinance for the Mayor shall remain in effect until this new salary ordinance becomes effective on January 1, 2010.

ORDINANCE NO. 2008-160

Section 3: Council finds and determines that the decision to adjust the compensation of the Office of Mayor for the next term was made solely by the members of Council, without any participation by, influence, or attempt to influence by the existing Office of the Mayor.

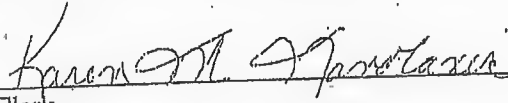
Section 4: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 5: Consistent with Article VIII, Section 1 of the Charter, this ordinance providing for compensation of the Mayor shall be read three times, and not be passed as an emergency or urgent legislation.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

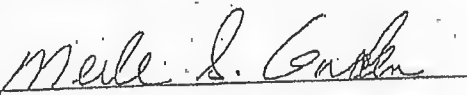
Attest:

I hereby certify this legislation was duly adopted on the 5th day of January, 2009, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 6th day of January, 2009.

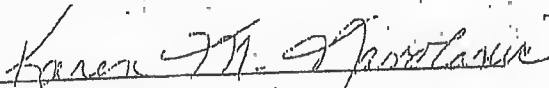

Clerk

Acknowledgment:

I have neither approved nor disapproved this legislation when presented to me due to a potential conflict of interest; and therefore the same shall become law in the manner provided in the Charter for such cases.


Mayor

The Clerk of Council notes that Mayor Merle S. Gorden did not participate in any deliberations or in the passage of this legislation, nor did he preside over any meetings during consideration of this Ordinance.


Clerk

Pursuant to the provisions of the City Charter:

Placed on First Reading: December 1, 2008

Placed on Second Reading: December 15, 2008

Placed on Third Reading & Adopted: January 5, 2009

EXHIBIT “G”

Section 4.3 VACATION LEAVE

A. ELIGIBLE EMPLOYEES

Full-time regular and interim employees are eligible to earn vacation leave hours in accordance with the schedule noted below immediately upon employment.

B. BENEFIT

1. Eligible employees can earn vacation leave while in active pay status at a rate based on years of service with the City and possibly including service time from another employer that was credited to the employee by the Mayor at the time of hire. Eligible employees will be credited with 1/26th of their annual vacation allotment each pay period.

Years of Service	Vacation Hours	Bi-Weekly Accrual
Up to 6 years*	80 hours	3.08 hr/pay
6 years to less than 10	120 hours	4.62 hr/pay
10 years to less than 17	160 hours	6.16 hr/pay
17+ years	200 hours	7.70 hr/pay

* Employees earn vacation leave during the first year of service but are not eligible to use vacation leave until **after** completion of the first year. Employees resigning their position before completion of the first year are not compensated for the hours earned.

2. Due to the nature of their positions, the Mayor is authorized to establish an alternative vacation accrual for Department Directors not to exceed 200 hours per year. The Mayor may also provide and allow the use of vacation at the date of hire.
3. Vacation hours will be accrued at the next higher rate starting with the pay period in which an employee completes the years of service needed to accrue at the next higher rate.
4. Each hour of vacation leave is paid at a rate equal to the employee's total hourly rate.
5. Employees may elect to receive a cash payment of unused vacation hours once each year. Such request for cash payment must be received by the end of the first week of December and will be processed with the final pay each year. In lieu of a cash payment employees may elect to carry-over hours into the subsequent payroll year, however such carry-over cannot result in a balance at the beginning of the year in excess of 300 hours. In the event an employee has hours in excess of 300 the excess will be converted to cash with the first pay of the year at the rate of pay in effect at the end of the previous year. It is the responsibility of the employee to ensure that they leave themselves an adequate number of vacation hours for the next year.

- a. For employees covered under a collective bargaining agreement, the carryover and/or conversion of unused vacation will be done in accordance with the collective bargaining agreement.

C. USE OF VACATION LEAVE

1. Use of vacation leave shall be in minimum increments of fifteen minutes (with a one (1) hour minimum) and is subject to the approval of the employee's Department Director.
2. Requests for vacation leave must be submitted on the appropriate leave form to the Department Director in a reasonable timeframe prior to the day(s) requested off.

Vacation leave may be denied during a specific period if the workload dictates.

D. PAYMENT FOR UNUSED VACATION LEAVE AT TIME OF TERMINATION

1. An employee with over one (1) year of service who is no longer eligible to accrue additional time due to an employment status change, will receive a lump sum cash distribution of the total number of hours accrued but unused.
2. Upon voluntary or involuntary termination of employment, the Finance Director is authorized to convert all unused vacation hours credited to the terminated employee into a cash payment derived by multiplying the employee's total hourly rate of pay times the number of unused vacation hours at the date of termination.

Employees resigning before completion of one year of continuous service forfeit all unused accrued vacation leave.

3. The Mayor may, in his sole discretion, determine to rehire an employee who is eligible to and elects to retire under the OPERS or the OP&F.
 - a. Individuals requesting consideration to retire and be rehired shall give the Mayor written notice of such request at least sixty (60) days prior to their proposed retirement date.
 - b. Employees approved for rehire may elect to carryover some or all of their accrued and unused vacation assuming the position for which they were rehired is a regular full-time or interim position.
 - i. Any hours carried over will be subject to the terms of 4.3 (B) 5 (a) & (b) above.
 - ii. The cash value of any hours carried over will be based upon the employee's (new) rate of pay (when converted), not when carried over.

E. DISCIPLINE

In certain situations, at the discretion of the Department Head and the Mayor, the future accrual of a certain amount of vacation time may be denied as a disciplinary penalty.

EXHIBIT “H”

Section 3.2 EMPLOYEE TIME REPORTS

A. RECORD-KEEPING REQUIREMENTS (CITY)

1. The Fair Labor Standards Act requires the City to keep an accurate, daily record of each non-exempt employee's hours worked. At a minimum, pay records must include:
 - a. Employee's full name and social security number
 - b. Address, including zip code
 - c. Birth date, if younger than 19
 - d. Occupation and gender
 - e. Time and day of week when employee's workweek begins
 - f. Hours worked each day
 - g. Total hours worked each workweek
 - h. Basis on which employee's wages are paid (e.g., \$6 per hour)
 - i. Regular hourly pay rate
 - j. Total daily or weekly straight-time earnings
 - k. Total overtime earnings for the workweek
 - l. All additions to or deductions from the employee's wages
 - m. Total wages paid each pay period
 - n. Date of payment and the pay period covered by the payment

B. RECORD-KEEPING REQUIREMENTS (EMPLOYEES)

1. For each day of actual or scheduled work, non-exempt employees are required to keep time sheets showing:
 - a. The actual time of the day when:
 - i. beginning to work;
 - ii. stopping for the unpaid meal period;
 - iii. returning to work after the unpaid meal period; and
 - iv. ending work

** Note: Meal period does not need to be documented unless different from assigned break.*
 - b. The number of paid or unpaid non-work hours in the regularly scheduled workday (e.g., vacation, unpaid leave of absence, etc)
 - c. Time sheets must be personally filled out and signed (unless submitted electronically) by each employee on a weekly basis; then forwarded to the Department Director or his/her designee who will review, make adjustments if necessary, approve and forward to the Finance Department.
 - i. For time reporting purposes, the workweek begins at 12:01 a.m. on Monday of each week and ends at 12:00 midnight on the following Sunday. Departments with multiple shifts will vary from this schedule.

For departments with night shifts, the workweek for reporting purposes begins with the Sunday night shift at 11:00 p.m. For departments with 24 hour shifts the workweek for reporting purposes begins with the Monday morning shift at 7:00 a.m.

- ii. Filling out another employee's time sheet is grounds for disciplinary action, unless an employee neglects or forgets to record time data as required, in which case he/she should alert the Department Director who will record the missing data and initial it.
- 2. Except for employees in Director-level positions, all exempt employees are required to keep time sheets recording number of hours worked, number of benefit hours paid (e.g., vacation), and hours of unpaid absence for each actual or scheduled day of work.
- 3. For Employees utilizing the ADP EZlabor System
 - a. The method of reporting – timesheet, timeclock, computer time stamp, is at the discretion of the Department Director and/or the Mayor.
- 4. Exempt, Director level positions are not required to keep a time sheet, but must submit a leave request form to the Mayor for the use of paid leave.

EXHIBIT “I”

Section 4.12 DISCRETIONARY LEAVE**A. UNPAID DISCRETIONARY LEAVE****1. ELIGIBLE EMPLOYEES**

Full or part-time regular employees

2. BENEFIT

a. An employee may request the Mayor's approval for an unpaid leave of absence of one (1) year or less when the employee has no remaining paid time benefits; for reasons outside of the scope of the City's other leaves of absence and/or after exhausting his/her eligibility under other forms of leave.

b. Reasons for requesting an unpaid leave may include:

i. Voluntary service in any government sponsored program of public betterment;

ii. Education or training that would benefit, but is not required by the City;

iii. Family or medical reasons that do not fall within the circumstances outlined in the Family and Medical Leave policy; or

iv. Family or medical reasons that fall within the Family and Medical leave policy after the employee's twelve (12) week entitlement has been exhausted.

c. The Mayor, at his discretion, may place an employee on unpaid leave of absence.

d. City-paid insurance benefits may be provided to employees on an unpaid leave of absence granted under this policy. An employee on unpaid leave of absence per this policy may extend benefits under COBRA for the time allowed by law.

e. Paid-time off benefits do not accrue during an unpaid leave.

3. EMPLOYEE REQUIREMENTS

a. The employee must submit all required leave request forms thirty (30) days prior to the start of the leave unless it is not practicable in which case the employee will need to explain why it is not practicable.

- b. The Mayor may cancel any leave and order the employee to return to work if it is discovered that an unpaid leave of absence granted for a specific purpose is not being used for that purpose.
- c. An employee who fails to return to work at the expiration or cancellation of an approved unpaid leave of absence and is without a satisfactory explanation will be terminated.

In the event of such termination, the employee's termination date will be established as the starting date of the approved leave of absence.

B. PAID DISCRETIONARY LEAVE

1. ELIGIBLE EMPLOYEES

Employees assigned to exempt positions

2. Director Level Positions

In recognition of the fact that:

- a. Department Directors may frequently be called upon to work in excess of forty (40) hours per week.
- b. Exempt personnel do not receive overtime compensation for the additional hours worked.
- c. The Mayor has the discretionary authority to approve paid time away from work for directors required to work in excess of forty (40) hours per week on a regular basis.
- d. Discretionary Leave provided under this section is a benefit, not a right.
 - i. The amount of time approved per individual on an annual basis will be determined by the Mayor.
 - ii. A director wishing to be awarded paid discretionary time must request it from the Mayor in advance of his/her leaving.
 - iii. Requests and approvals for discretionary time may be done verbally.

3. Other Exempt Employees

In recognition of the fact that:

- a. Exempt employees may be called upon to work in excess of forty (40) hours per week on a regular or occasional basis.
- b. Exempt personnel do not receive overtime compensation for the additional hours worked.

- c. Discretionary Leave provided under this section is a benefit, not a right.
 - i. The Department Director has the authority to approve a work week of less than 40 hours provided the employee has a total of at least 80 hours of work or paid leave for the biweekly pay period.
 - ii. If the employee has less than 80 hours of work and paid leave for the biweekly pay period, the Mayor must approve.

EXHIBIT “J”



[REDACTED]@gmail.com>

Public Records Request

1 message

Patricia Vanek <Patricia.Vanek@beachwoodohio.com>

Tue, Jun 11, 2013 at 3:54 PM

To: [REDACTED]@gmail.com>

Cc: Karen Navolanic <Karen.Navolanic@beachwoodohio.com>, "William R. Hanna (whanna@walterhav.com)" <whanna@walterhav.com>, "mcannon@walterhav.com" <mcannon@walterhav.com>, Mayor Gorden <Mayor.Gorden@beachwoodohio.com>, Eric Brey <Eric.Brey@beachwoodohio.com>, David Pfaff <David.Pfaff@beachwoodohio.com>, Harvey Rose <Harvey.Rose@beachwoodohio.com>, Tina Turick <Tina.Turick@beachwoodohio.com>

Dear [REDACTED]

Pursuant to your public records request dated June 10, 2013, attached are copies of the Internal Audit Reports for 2010 and 2011, completed between January 1, 2011 and June 10, 2013. The Internal Audit Report for 2012 is not yet complete.

Also attached is a copy of the Beachwood Personnel Manual.

As an elected official, the Mayor is not required to turn in a time card.

Pat Vanek

City of Beachwood

Assistant Clerk of Council/Legal Secretary

25325 Fairmount Boulevard

Beachwood, OH 44122

V: 216-595-5462

F: 216-595-5466

Patricia.Vanek@beachwoodohio.com

3 attachments**2010.pdf**
622K**2011.pdf**
631K

EXHIBIT “K”

INTRODUCED BY: Brian H. Linick

ORDINANCE NO. 2012-125

AN ORDINANCE AUTHORIZING TRAVEL EXPENSES FOR THE MAYOR ASSOCIATED WITH ATTENDING THE THIRTEENTH ANNUAL FIRE ACCREDITATION ANNUAL AWARDS CEREMONY AND DECLARING AN EMERGENCY.

WHEREAS, Section 131.06 of the Codified Ordinances requires advance approval by Council of any expenses associated with the Mayor's attendance at an out-of-town convention or event if such expenses will exceed Five Hundred Dollars (\$500.00); and

WHEREAS, Section 131.06 also requires all expenses to be related to official City business, to be reasonable, and to be substantiated by receipts submitted to the Finance Department; and

WHEREAS, the Thirteenth Annual Fire Accreditation Awards Ceremony ("Ceremony") will be held in Denver, Colorado on August 2, 2012; and

WHEREAS, the City of Beachwood Fire Department will be honored at the Ceremony; and

WHEREAS, the Mayor has been invited to attend the Ceremony; and

WHEREAS, this Council desires to approve travel expenses associated with the Mayor's attendance at the Ceremony.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1. Council hereby approves travel expenses, including airfare, hotel, meal and other incidental expenses, relating to the Mayor's attendance at the Thirteenth Annual Fire Accreditation Awards Ceremony. All expenses shall be substantiated by receipts submitted to the Finance Department.

Section 2. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City.

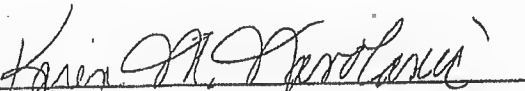
Section 3. This Ordinance is hereby declared to be an urgent measure immediately necessary for the public peace, health, or safety; and for the further reason that it is necessary to provide for the Mayor's timely attendance at the Thirteenth Annual Fire Accreditation Awards Ceremony.

ORDINANCE NO. 2012-125

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest:

I hereby certify this legislation was duly adopted on the 16th day of July, 2012, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 17th day of July, 2012.


Clerk

Approval:

I have approved this legislation this 17th day of July, 2012 and filed it with the Clerk.



Mayor

EXHIBIT “L”

INTRODUCED BY: Fredric S. Goodman

AN ORDINANCE AUTHORIZING TRAVEL EXPENSES FOR THE MAYOR TO TRAVEL TO ORLANDO, FLORIDA TO INSPECT THE NEW FIRE ENGINE, AND DECLARING AN EMERGENCY.

WHEREAS, Section 131.06 of the Codified Ordinances requires advance approval by Council of any expenses associated with the Mayor's attendance at an out-of-town convention or event if such expenses will exceed Five Hundred Dollars (\$500.00); and

WHEREAS, Section 131.06 also requires all expenses to be related to official City business, to be reasonable, and to be substantiated by receipts submitted to the Finance Department; and

WHEREAS, the Fire Chief and the Mayor will be traveling to Orlando, Florida to inspect the new fire engine; and

WHEREAS, this Council desires to approve travel expenses associated with the Mayor traveling to Orlando, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Beachwood, County of Cuyahoga and State of Ohio, that:

Section 1. Council hereby approves travel expenses, including airfare, hotel, meals and other incidental expenses, relating to the Mayor's trip to Orlando, Florida. All expenses shall be substantiated by receipts submitted to the Finance Department.

Section 2. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 Codified Ordinances of the City.

Section 3. This Ordinance is hereby declared to be an urgent measure immediately necessary for the public peace, health, or safety; and for the further reason that it is necessary to provide for the Mayor to inspect the new fire engine.

WHEREFORE, this Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Attest:

I hereby certify this legislation was duly adopted on the 20th day of August, 2012, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 21st day of August, 2012.


Clerk

Approval:

I have approved this legislation this 21st day of August, 2012 and filed it with the Clerk.


Mayor

EXHIBIT “M”

CITY OF

Beachwood

Attn: Accounts Payable
P.O. Box 22859
Beachwood, OH 44122

PURCHASE ORDER

Page Number 1
 P.O. Number 2012-02635
 Req. Number 12-121-0005-A
 P.O. Date 07/18/2012
 Ship Via
 Terms

Deliver To CITY OF BEACHWOOD
 SHIPPING AND RECEIVING
 23355 MERCANTILE ROAD
 BEACHWOOD, OH

Vendor 00116
 Business Card
 P.O. BOX 15796
 WILMINGTON, DE 19886-5796

ALL INVOICES MUST CONTAIN A FEDERAL TAXPAYER IDENTIFICATION
 NUMBER AND SHOULD BE FORWARDED TO THE BILL TO ADDRESS
 DETAILED ABOVE. THE ABOVE PURCHASE ORDER NUMBER MUST
 APPEAR ON ALL BILLS AND PACKAGES. Material on this order is
 from the Ohio Sales Tax and Federal Excise Taxes.

Line	Description	Account	Qty	Unit	Price/Unit	Amount
001	AIRFARE FOR MAYOR TO DENVER, CO 8/1-8	101.231.55320	0		00	\$ 1013.60

Purchase Order Total: \$ 1013.60

FOR: FIRE ACCREDITATION ANNUAL AWARDS CEREMONY VENDOR USED: UNITED AIRLINES PER ORDINANCE 2012-125 PER ORDINANCE 2012

-125

DIRECTOR OF FINANCE CERTIFICATE

It is hereby certified that the amount required to meet and/or satisfy the contract, agreement, obligation, payment or expenditure for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or is in the process of collection and is free from any obligation or certification now outstanding.

David C. Post
 TREASURER

DATE

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AVIS

Hertz

Confirmation e-mail sent to mayor@beachwoodohio.com

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[Save as PDF](#)

[Manage your Reservations](#)

United Confirmation Number **OL14W8**

Purchase Summary	
1 Adults (age 18 to 64)	\$992.00
Additional Taxes/Fees	\$21.60
Total Price	\$1,013.60
First Class	
Payment Information Name of Cardholder: Terrence J Meech Card Type: MasterCard MileagePlus Members: Upon completion of this itinerary, you will earn up to 2,402 MileagePlus award miles.*	

Flight Details		United Confirmation Number	OL14W8
Wed., Aug. 1, 2012 Cleveland, OH (CLE) to Denver, CO (DEN)			
Depart: 8:55 a.m. Wed., Aug. 1, 2012	Arrive: 10:19 a.m. Wed., Aug. 1, 2012	Travel Time: 3 hr. 24 mn	Award Miles/ Premier Qualifying*: 1,201 / 150%
		Flight: UA386 Aircraft: Airbus A320 Fare Class: United First (Z)	

Review Trip Itinerary

Fare Details

1 Adults (age 18 to 64) \$804.00
 Additional Taxes/Fees \$21.60
Total Price \$825.60

Economy Seating

Up to 40,000 Bonus Miles

 + **\$50 Credit**
 after first card use

[LEARN MORE](#)

Total Ticket Price \$825.60
 Card Statement Credit **-\$50.00**
Total After Savings \$775.60

Unrestricted Fare for \$894.00 more

Choose this fare and enjoy these additional benefits:

Refundable Fare
 Fee-waived Itinerary changes
 Fee-waived, same-day flight changes (when available)
 MileagePlus bonus Premier qualifying miles

[Increase Ticket Flexibility](#)

Flexible Fare for \$284.00 more

Choose this fare and enjoy additional flexibility:

Lowest-available refundable fare
 Fee-waived, same-day flight changes (when available)

[Increase Ticket Flexibility](#)

Flight Details

Wed., Aug. 1, 2012 | Cleveland, OH (CLE) to Denver, CO (DEN)

Depart: 8:55 a.m. Wed., Aug. 1, 2012 Cleveland, OH (CLE)	Arrive: 10:19 a.m. Wed., Aug. 1, 2012 Denver, CO (DEN)	Travel Time: 3 hr 24 mn	Award Miles/ Premier Qualifying*: 1,201 / 100%	Flight: UA386 Aircraft: Airbus A320 Fare Class: United Economy (H) Meal: Meals for Purchase No Special Meal Offered.
--	--	-----------------------------------	--	---

Fri., Aug. 3, 2012 | Denver, CO (DEN) to Cleveland, OH (CLE)

Depart: 2:01 p.m. Fri., Aug. 3, 2012 Denver, CO (DEN)	Arrive: 6:50 p.m. Fri., Aug. 3, 2012 Cleveland, OH (CLE)	Travel Time: 2 hr 49 mn	Award Miles/ Premier Qualifying*: 1,201 / 100%	Flight: UA5161 Operated by SKYWEST DBA UNITED EXPRESS. Aircraft: Canadair Regional Jet 700 Fare Class: United Economy (H)
---	--	-----------------------------------	--	--

ERLE S GORDEN

8-15/410

2186

MARRIET F GORDEN

KENWOOD CT

ACHWOOD, OH 44122-7501

Date

7/20/12

to the
for of

CITY OF BEACHWOOD

\$ 188 XX

WE HUNTER ELANET EIGHT

0/100

Huntington

Private Banking

me, 1st CLASS OF GARDEN

Matt A. Guck

14.000.531.0266.5729.571.02186

Attn: Accounts Payable
P.O. Box 22659
Beachwood, OH 44122

PURCHASE ORDER

Page Number 1
P.O. Number 2012-02982
Req. Number 12-121-0012-A
P.O. Date 08/22/2012
Ship Via
Terms

Deliver To CITY OF BEACHWOOD
SHIPPING AND RECEIVING
23355 MERCANTILE ROAD
BEACHWOOD, OH

Vendor 00116
Business Card
P.O. BOX 15796
WILMINGTON, DE 19886-5796

ALL INVOICES MUST CONTAIN A FEDERAL TAXPAYER IDENTIFICATION NUMBER AND SHOULD BE FORWARDED TO THE BILL TO ADDRESS DETAILED ABOVE. THE ABOVE PURCHASE ORDER NUMBER MUST APPEAR ON ALL BILLS AND PACKAGES. Material on this order is from the Ohio Sales Tax and Federal Excise Taxes.

Line	Description	Account	Qty	Unit	Price/Unit	Amount
001	ROUNDTrip AIRFARE FOR MAYOR GORDEN TO Orlando	5320				\$841.60

Purchase Order Total: \$841.60

FOR FIRE TRUCK INSPECTION. VENDOR USED: UNITED AIRLINES

DIRECTOR OF FINANCE CERTIFICATE

It is hereby certified that the amount required to meet and/or satisfy the contract, agreement, obligation, payment or expenditure for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or is in the process of collection and is free from any obligation or certification now outstanding.


DIRECTOR OF FINANCE

FLIGHTS → CHOOSE FLIGHTS → TRIP ITINERARY → TRAVELER INFORMATION → COMPLETE PURCHASE → CONFIRMATION

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\$24 Book Today

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Book with our preferred car partners to save up to 35% and earn 75 reward miles per day.

AVIS



Confirmation e-mail sent to mayor@beachwoodohio.com

[Printer Friendly](#)

[Save as PDF](#)

[Manage your Reservations](#)

United Confirmation Number O2LQ19

Purchase Summary	
1 Adults (age 18 to 64)	\$820.00
Additional <u>Taxes/Fees</u>	\$21.60
Total Price	\$841.60
Payment Information Name of Cardholder: Terrence j Meech Card Type: MasterCard MileagePlus Members: Upon completion of this itinerary, you will earn up to 1,790 MileagePlus award miles.*	

Flight Details		United Confirmation Number		O2LQ19
Mon., Aug. 27, 2012 Cleveland, OH (CLE) to Orlando, FL (MCO)				
Depart: 8:55 a.m. Mon., Aug. 27, 2012 Cleveland, OH (CLE)	Arrive: 11:16 a.m. Mon., Aug. 27, 2012 Orlando, FL (MCO)	Travel Time: 2 hr 21 mn	Award Miles/ Premier Qualifying*: 895 / 150%	Flight: UA1076 Aircraft: Boeing 737-900 Fare Class: United First (A) Meal: Breakfast No Special Meal Offered.

Transactions

Posting Date	Transaction Date	Description	Reference Number	Amount
08/29	08/26	PAYMENT RECEIVED -- THANK YOU	23974405350000501425822	- 1,048.62
		TOTAL PAYMENTS AND OTHER CREDITS FOR THIS PERIOD		-\$1,521.62
		Purchases and Other Charges		
08/23	08/21	UNITED 01623379446194 HOUSTON TX GORDEN/MERLE 01623379446194 Departure Date: 08/27/12 Airport Code: CLE UA H2 MCO Departure Date: 08/29/12 Airport Code: MCO UA Q2 CLE	55140582235648235632188	841.60
08/27	08/24	UNITED 01629251026535 HOUSTON TX GORDEN /ECONOMY PLUS S 01629251026535 Departure Date: 09/06/12 Airport Code: CLE UA GA MCO Departure Date: 09/08/12 Airport Code: MCO UA VA CLE	55140582239648239871313	44.00
08/27	08/24	UNITED 01629251026546 HOUSTON TX GORDEN /ECONOMY PLUS S 01629251026546 Departure Date: 09/06/12 Airport Code: CLE UA GA MCO Departure Date: 09/08/12 Airport Code: MCO UA VA CLE	55140582239648239871321	44.00
09/07	09/06	GIANT EAGLE #5830 CLEVELAND OH	05436842251000112791227	4.99
		TOTAL PURCHASES AND OTHER CHARGES FOR THIS PERIOD		\$934.59

Finance Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

	Annual Percentage Rate	Balance Subject to Interest Rate	Finance Charges by Transaction Type
PURCHASES	18.99%	\$0.00	\$0.00
CASH	24.24% V	\$0.00	\$0.00

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.

Important Messages

As part of our continued commitment to the environment we announced a new 10-year, \$50 billion environmental business goal to help address climate change, reduce demands on natural resources and advance lower-carbon economic solutions.

The new initiative, effective January 1, 2013, will focus on energy efficiency, renewable energy and energy infrastructure, transportation, and water and waste. It will include lending, equipment finance, capital markets and advisory activity, carbon finance, and advice and investment solutions for clients.

Learn more at www.bankofamerica.com/environment

\$30. Charge for Receipt Request
for Additional Amount for Savings
Plus Savings
JST

Bank of America



RECEIVED

2012 SEP 17 P 1:22
TERRENCE J. MEECH

CITY OF HOUSTON
August 10, 2012 - September 10, 2012

BY: [Signature]

DATE: 9/17/2012

P/O: 0910425133

APPROVED FOR PAYMENT

Platinum Plus® for Business

Cardholder Statement

Account Information:
www.bankofamerica.com

Mail Billing Inquiries to:
BANK OF AMERICA
PO BOX 982238
EL PASO, TX 79998-2238

Mail Payments to:
BUSINESS CARD
PO BOX 15796
WILMINGTON, DE 19886-5796

Customer Service:
1.800.673.1044, 24 Hours

TTY Hearing Impaired:
1.888.500.6267, 24 Hours

Outside the U.S.:
1.509.353.6656, 24 Hours

For Lost or Stolen Card:
1.800.673.1044, 24 Hours

Business Offers:
www.bankofamerica.com/mybusinesscenter

Payment Information

New Balance Total \$461.59

Minimum Payment Due \$10.00

Payment Due Date 10/07/12

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a fee based on the outstanding balance:
\$19.00 for balance less than \$100.01
\$29.00 for balance less than \$1,000.01
\$39.00 for balance less than \$5,000.01
\$49.00 for balance greater than \$5,000.01

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance.

Account Summary

Previous Balance \$1,048.62

Payments and Other Credits -\$1,521.62

Balance Transfer Activity \$0.00

Cash Advance Activity \$0.00

Purchases and Other Charges \$934.59

Fees Charged \$0.00

Finance Charge \$0.00

New Balance Total \$461.59

Credit Limit \$5,000

Credit Available \$4,538.41

Statement Closing Date 09/10/12

Days In Billing Cycle 31

Transactions

Posting Date	Transaction Date	Description	Reference Number	Amount
08/27	08/25	Payments and Other Credits		
		UNITED 01623379446194 HOUSTON TX	55140582239648239061550	- 473.00
		GORDEN/MERLE		
		01623379446194		
		Departure Date: 09/08/12 Airport Code: CLE		
		UA GA MCO		
		Departure Date: 09/08/12 Airport Code: MCO		
		UA VA CLE		

EXHIBIT “N”

Sheraton Denver
1550 Court Place
Denver, CO 80202-5107
303-893-3333 / 303-626-2543
<http://www.starwood.com/>



Gorden, Merle	Page Number	1	Invoice Nbr	45696222
25325 Fairmount Blvd.	Guest Number	816454	Arrive Date	08-01-2012
Beachwood, CO 44122	Folio ID	A	Depart Date	08-03-2012
	No. Of Guest	1		
	Room Number	3723		
	Club Account	SPG - A42884716840		
	Time	08-03-2012 10:11		

Invoice

Date	Reference	Description	Charges	Credits
08-01-2012	DEPOSIT	Deposit Applied		\$-410.81
08-01-2012	506667310	16 Mix	\$5.00 ✓	
08-01-2012	RT3723	Room Chrg Grp Association	\$179.00	
08-01-2012	RT3723	Occupancy/Tourism Tax	\$26.40	
08-02-2012	510671961	1550 Restaurant	\$20.28 ✓	
08-02-2012	510675100	1550 Restaurant	\$12.48 ✓	
08-02-2012	RT3723	Room Chrg Grp Association	\$179.00	
08-02-2012	RT3723	Occupancy/Tourism Tax	\$26.40	
08-03-2012	MC	MasterCard/Euro		\$-37.75 on Mays card
	** Total		\$448.56	\$-448.56
	** Balance		\$-0.00	

Your SPG Account A42884716840 earned at least 792 Starpoints. Get 10,000 more with the SPG Credit Card. spg.com/axpcard

Thank you for choosing Starwood Hotels. We look forward to welcoming you back soon!

Fire Dept.
Pre-Paid Hotel Rm.
\$37.15 went on
Mays's card
for food

Remit To Code: 05328		Pay To Name: SHERATON DENVER DOWNTOWN HOTEL		07/27/2012	0000111388
Invoice Number	Inv. Date	PO Number	Description	Account	Amount
12544	07/17/2012	2012-02618	HOTEL ROOM FOR 2 NIGHTS FOR MAYOR GORDEN	101.231.55320	\$410.81
					<u>\$410.81</u>

0000111388

07/27/2012

\$410.81

Four Hundred Ten *****81/100 Dollars

SHERATON DENVER DOWNTOWN HOTEL
 1550 COURT PLACE
 DENVER, CO 80202

new to Corpora 7/27/12 s.m.



SC
7/23

Invoice No.

12544

INVOICE

Date:

07/17/12

FROM

Sheraton Denver Hotel
1650 Court Place
Denver, CO 80202

Phone:
Fax:

303-883-3333
303-626-2543

CUSTOMER

Beachwood Fire Department
2655 Richmond Rd.
Beachwood, Ohio 44122

Phone:
E-Mail:

Date	Description	Nights	Rate	TOTAL
17-Jul Aug-1, 2012 - Aug 4, 2012	816454 Gorden, Merle Tax 14.75%	2	\$ 178.00	\$358.00 \$52.81

RECEIVED
JUL 23 11:37
CITY OF BEACHWOOD

2012-02618

PREPARED BY:

Joyce M. Wright

APPROVED FOR PAYMENT BY:

FORM OF PAYMENT:

TOTAL

\$ 410.81

\$410.81

EXHIBIT “O”

DUPLICATE
SHERATON DENVER

Downtown Hotel
1550 COURT PLACE
DENVER, CO 80202
303-893-3333

JEAN F
Wed 08/01/12 5:23 PM
Guest Num: 1

50666731

Table 719

Guests 0

16MIX ✓

1 COFFEE 3.70

723 SubTotal 3.70
Y GORDEN, MERLE
Sales Tax 0.30
Total 4.00

RM CHRG TIP.. 1.00
723 Y GORDEN, MERLE 5.00

RM CHRG Tendered 5.00

FOR ROOM CHARGES ONLY!

Gratuity _____

Total Charge _____

Room Number _____

Print Name _____

SIGNATURE

Merle Y. Gordon

Order Room Service & Amenities Online!

www.sheratonos.com

SHERATON DENVER
Downtown Hotel
1550 COURT PLACE
DENVER, CO 80202
303-893-3333

PATRICK S 51067510
Thu 08/02/12 4:47 PM Table 41
Guest Num: 1 Guests 1
1550

1 [FRESH FRUIT] 6.00
1 COFFEE 3.70
723 SubTotal 9.70
Y GORDEN, MERLE Sales Tax 0.78

Total 10.48

RM CHRG TIP.. 2.00
723 Y GORDEN, MERLE 12.48

RM CHRG Tendered 12.48

FOR ROOM CHARGES ONLY!

Gratuity _____

Total Charge 12.48

Room Number _____

Print Name _____

SIGNATURE _____

Order Room Service & Amenities Online!

www.sheratonos.com

DUPLICATE
SHERATON DENVER
Downtown Hotel
1550 COURT PLACE
DENVER, CO 80202
303-893-3333

51067196.1
SAAID E Table 31
Thu 08/02/12 9:12 AM Guests 2
Guest Num: 2 1550

1 BUFFET 16.00
723 SubTotal 16.00
Y GORDEN, MERLE Sales Tax 1.28
Total 17.28

RM CHRG TIP.. 3.00
723 Y GORDEN, MERLE 20.28

RM CHRG Tendered 20.28

Please let us know how we are doing!

FOR ROOM CHARGES ONLY!

Gratuity 3.00

Total Charge 20.28

Room Number 723

Print Name MERIE S. GORDEN


SIGNATURE Merle S. Gorden

Order Room Service & Amenities Online!

www.sheratonos.com

EXHIBIT “P”

CPSE



Center for Public Safety Excellence

WELCOME TO THE CPSE ONLINE STORE & EVENTS REGISTRATION PORTAL

Home	Description
Events & Workshops	
Online Store	
Contact Us	
CPSE Home Page	
Login	
	<div><h2>Event Details</h2><h3>2012 Awards Ceremony~A Legacy of Excellence</h3><p>Aug 02, 2012 06:00pm - Aug 02, 2012 10:00pm Event Type: Awards Banquet</p><p>Description</p><div><div>Center for Public Safety Excellence</div></div><p>The Center for Public Safety Excellence cordially invites you to attend our 13th Annual Awards Ceremony.</p><p>The event will take place on Thursday August 2, 2012 at the Sheraton Downtown Denver Hotel located at</p><p>1550 Court Place, Denver, Colorado 80202</p><p>Attire will be Semi-Formal or Class A Uniform</p><p>Agencies being recognized are entitled to purchase two tickets at \$35 each, with additional tickets being \$75 each.</p><p>Credentialed officers being recognized are entitled to purchase one ticket at \$35, with additional tickets being \$75 each.</p><p>If you have any questions please contact Jessica at jyanulovitz@publicsafetyexcellence.org or 866-866-2324, ext. 207.</p><p>Early registration ends on May 31, 2012. Regular registration starts on Jun 01, 2012 and ends on Jul 26, 2012. Late registration starts on Jul 27, 2012. All times are 12:00am (GMT-05:00) Eastern Time (US & Canada).</p></div>

EXHIBIT “Q”

Section 5.15 REIMBURSEMENT OF EXPENSES**A. TRANSPORTATION**

1. Reimbursement for City-related travel using a personal vehicle will be equal to the current Internal Revenue Service reimbursement rate for business use. The City will use a computer program (MapQuest, Yahoo Maps, etc) to determine if the mileage reported is correct. If there is a discrepancy, the lower of the two amounts will be used.
2. No reimbursement will be made for an employee's regular commute between his/her home and the work site. Additionally, once the employee has arrived at his/her travel destination, only additional miles incurred directly with the City-related travel will be reimbursed until the return trip home.
3. Reimbursement shall be made to only one of two or more City employees if traveling in the same vehicle.
4. Reimbursement for travel not requiring an overnight stay will be actual miles less the employee's normal commute to work miles. Additionally, if an employee travels for business for part of the day and works at the City for part of the day, the actual miles between the City and the meeting/seminar will be reimbursed but the miles between the meeting/seminar and the employee's home will be actual miles less the employee's normal commute to work miles.
5. Reimbursement for parking charges, road tolls, taxi cabs and other reasonably incurred transportation expenses will be authorized upon presentation of valid receipts for such expenses in excess of one dollar. Tips will not be reimbursed separately as they are expenses covered as part of the per diem amount.
6. Travel incurred for the purpose of purchasing items for the City is prohibited during non-business hours.
7. All transportation via common carrier (commercial airlines, trains, bus, etc.) must be pre-approved by the Mayor and must be coordinated with Purchasing and paid for directly by the City.
8. The employee must reimburse the City for unused reservations on commercial carriers unless the Mayor and Finance Director are satisfied that the failure to use the reservation was unavoidable due to emergency conditions.
9. Car rentals must be pre-approved by the Mayor and will be reimbursed once the receipt is turned in. To request a car rental, the request for overnight travel form must be completed, signed by the Director and sent to the Mayor for approval.

10. Requests for reimbursement not involving overnight travel must be submitted no later than the end of the subsequent pay period in which the travel occurred.

B. LODGING

1. The request for overnight travel form must be completed, signed by the Director and sent to the Mayor for approval for any overnight travel. Once approved, the employee should work in conjunction with the City's Purchasing Department to secure optimum rates. A purchase order should be issued for the hotel and a check will be issued in advance of the trip. The employee is responsible for giving the hotel the check and a tax exemption form. If for some reason a check can not be issued in advance, arrangements may be made to reimburse the employee after the trip.
2. The City does not reimburse employees for extraneous non-lodging expenses including in-room movies, dry cleaning, alcoholic beverages, or personal telephone calls.

Employees incurring such charges will be responsible for paying for these items at the time of checkout or, if the charges were submitted to the City as part of a direct billing agreement, the employee will be held responsible for contacting the Finance Department to arrange for reimbursement to the City.

C. MEALS AND INCIDENTALS

1. An employee traveling on City business which is preceded and succeeded by an overnight stay will be reimbursed for meals and incidentals at an amount up to the Federal per diem rate. Receipts are not required to be turned in.

The arrival and departure days will be reimbursed at ½ of the approved per diem amount.
2. If an employee attends a meeting/seminar that is 45 miles or more from work and home without an overnight stay, the employee will receive ½ of the approved per diem amount. If meeting/seminar is within 45 miles from work or home, no reimbursement will be made.
3. Incidentals include but are not limited to items such as phone calls, dry cleaning and tips.
4. All per diem rates are subject to review and approval of the Mayor and Finance Director. The approved rate may be less than, but can not exceed the current federal rates.

5. If an employee elects to attend a conference meal/banquet that has an additional cost (i.e., not included in the registration fee), the City will pay for this meal and reduce the per diem amount. The per diem amount will be reduced by an amount approved by the Mayor and Finance Director.

D. GENERAL CONDITIONS FOR REIMBURSEMENT

1. Requests for reimbursement should be submitted immediately upon conclusion of the business travel.
2. Employees may only submit reimbursement requests for personal travel expenses. Employees may not submit requests for reimbursement for an expense incurred by another employee.
3. Requests for reimbursement must be filed with the Finance Department using the City's official Travel Expense Report complete with the Department Director's approval and valid receipts (parking, tolls, etc. – not for meals).
4. Reimbursements rejected in whole or in part by the Finance Department due to non-compliance with any of the provisions of this policy shall be returned to the employee submitting the request with a reasonable explanation of the denial of reimbursement.

EXHIBIT “R”

Mayor's Personal Use of Vehicle

Old Vehicle

Date	Milage
12/15/2011	44671
1/9/2012	45177

	506		
	per Day	Days	Total
Comute Miles	2	17	34

Personal Usage 6.71937%

Fair Market Value of Vehicle @ Purchase	\$ 47,802.93
Lease Value per IRS Table	\$ 12,250.00
Prorated Lease Value 17 out of 260	\$ 800.96

Personal Use Value	\$ 53.82
Gas Charge @ \$.055	\$ 1.87
Reportable on W-2	<u>\$ 55.69</u>

New Vehicle

Date	Milage
1/9/2012	0
12/15/2012	11045 — per Tina from Mayor

	11045		
	per Day	Days	Total
Comute Miles	2	243	486

Personal Usage 4.40018%

Fair Market Value of Vehicle @ Purchase	\$ 45,480.00
Lease Value per IRS Table	\$ 11,750.00 —
Prorated Lease Value 243 out of 260	\$ 10,981.73

Personal Use Value	\$ 483.22
Gas Charge @ \$.055	\$ 26.73
Reportable on W-2	<u>\$ 509.95</u>

Total for W-2 \$ 565.64

623
12/14/11

EXHIBIT “S”



Certification of Final Payroll: Submitted Response

Your response was submitted to OPERS 12/24/09 10:36 AM

[Print](#) [Done](#)

CITY OF BEACHWOOD - 301200

Employee Name	Employee SSN	Employee Provided Termination Date	Employer Code
GORDEN, MERLE S		12/31/2009	301208

SRF85

The employee will terminate (or has terminated) their covered employment.

Yes

Employee's Job Title

Mayor & Safety Director

Was this a law enforcement or public safety position, as defined by the IRS?

No

Final Earnable Salary Date

12/31/2009

Final Reporting Period End Date

12/31/2009

Do you have an approved conversion plan on file with OPERS under which this Employee will receive a payout?

No

Retire/rehire that will be re-employed as of January 1, 2010

Comments to OPERS

Reporting Method: Data Entry
Form Type: Certification of Final Payroll
Last Change Date: 12/24/09 10:36 AM
Last Change By: ebrey

[Print](#) [Done](#)



Ohio Public Employees Retirement System

277 East Town Street, Columbus, Ohio 43215-4642

1-888-400-0965 www.opers.org

Notice of Re-employment of a Retired Elected or Appointed Official to an Elected Position

When a retired elected or appointed official returns to employment to an elected office, that employment must be reported on this Form SR-6E by the end of the first month of employment. Failure to give OPERS timely notice of re-employment will result in employer liability for overpaid benefits. If a retired elected official is re-employed within the last 10 days of a month, notify the OPERS Employer Call Center at the number listed above immediately to prevent an overpayment of benefits; confirmation must then be made on a Form SR-6E within 10 days.

Section 1 - Retiree's Personal Information

Social Security Number

COPY

First Name

MI Last Name

MEALE

S GORDEN

Street or Mailing Address

Apt. Number

24602 MEADOW BLVD

City

State

ZIP Code

BEACHWOOD

OHIO

44122

Home Phone Number

Work Phone Number

Fax Phone Number

2164640110

2162921901

2162921984

E-mail Address

Section 2 - Employment Information - Select the appropriate category below (Mark only one)

Beginning date of re-employment

01/01/2010

Title

MAYOR

- ☒ 1. An elected official receiving an age and service retirement benefit who is elected or appointed to the same position for the remainder of the term or the term immediately following retirement. Please mark a, b, c, or d below. If re-employment occurs less than two months after the retirement allowance commences, the entire retirement benefit will be forfeited during these two months.
- ☒ a. The director of the Board of Elections has been notified in writing, at least 90 days prior to the primary election for the next term, of the elected official's intent to retire.
- ☐ b. The elected official was already retired at least 90 days prior to the general election.
- ☐ c. The appointing authority has been notified that the official was already retired or intends to retire prior to the end of the term.
- ☐ d. None of these apply. The pension portion of the elected official's benefit must be forfeited for the duration of employment. The annuity portion of the benefit is suspended and will be paid in a lump sum upon termination of re-employment. OPERS contributions must begin with the first date of service.
- ☐ 2. An elected official receiving an age and service retirement benefit who is elected or appointed to a different elected office. If re-employment occurs less than two months after the retirement allowance commences, the entire retirement benefit will be forfeited during those two months.
- ☐ 3. An elected or appointed official receiving an OPERS disability benefit. OPERS contributions must begin with the first date of service. Disability benefits will be terminated.

CITY OF
Beachwood

25325 FAIRMOUNT BLVD • BEACHWOOD • OHIO 44122 • (216) 292-1901 • FAX (292) 292-1984

MAYOR
MERLE S. GORDEN

November 20, 2009

Mr. David A. Pfaff
Finance Director
City of Beachwood
25325 Fairmount Blvd.
Beachwood, OH 44122

Dear Mr. Pfaff:

Please be advised pursuant to O.R.C. 145.38 C (3) (a) that I intend to retire from my office of Mayor of the City of Beachwood, Ohio before the end of my current term.

I wish to then continue in my capacity as Mayor as rehired.

Sincerely,

Merle S. Gordon

Merle S. Gordon, Mayor
City of Beachwood

MSG/dn


August 3, 2009

Cuyahoga County Board of Elections
2925 Euclid Ave.
Cleveland, OH 44115

To Whom It May Concern:

Please be advised pursuant to O.R.C. 145.38 C (3) (a) that I intend to retire from my office of Mayor of the City of Beachwood, Ohio before the end of my current term.

Sincerely,

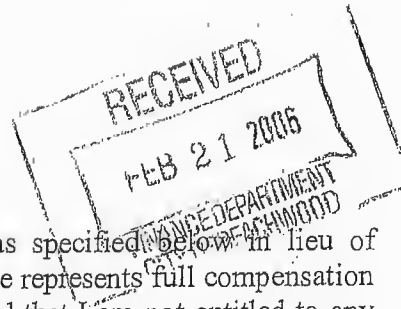
A handwritten signature in cursive script, appearing to read "Merle S. Gorden".

Merle S. Gorden

AUG03'09 PM 2:22 CWS

EXHIBIT “T”

Request for Cell Phone Allowance



I respectfully request to receive a monthly allowance as specified below in lieu of carrying a City cell phone. I understand that said allowance represents full compensation for any and all business use of my personal cell phone, and that I am not entitled to any additional compensation, with the exception of reimbursement for pre-approved purchases of equipment. Furthermore, I will be required to provide appropriate City personnel with my cell phone number, and be available on a 24-hour, 7-day a week basis.

I understand that such allowance will be included in my Federal, State, and Local taxable wages.

Amount of Allowance: \$100.00 per month

Requested by: Merle S. Gorden

Merle S. Gorden
Employee Signature

Approved by Department Director:

Merle S. Gorden
Signature

Approved by Mayor:

Merle S. Gorden
Signature